

Protest Proceedings for City of Yorba Linda Annexations

Background

On December 11, 2002, Orange County LAFCO approved the annexation of two unincorporated areas that are subject to protest provisions as outlined in Government Code Section 57050 *et seq.*

The two areas subject to protest are:

- (1) the Country Club Island annexation to the City of Yorba Linda
- (2) the Fairlynn Island annexation to the City of Yorba Linda.

State law (Government Code Section 56895) requires that following LAFCO's approval of an annexation, any person or affected agency may file a written request with the executive officer requesting amendments to or reconsideration of the adopting resolution if new or different facts warrant reconsideration. Requests for reconsideration must be filed within 30 days of the resolution's adoption.

When Does the Period of Protest Begin?

Following the 30-day period of reconsideration, the 45-day period of protest begins. The period of protest will begin on January 11, 2003 and continue to the end of the Protest Hearing scheduled for February 24, 2003. Legal advertisements published in the Orange County Register will announce the protest period and the date of the protest hearing.

45-Day Period of Protest	-	1/11/03 through 2/24/03
Protest Hearing	-	2/24/03

Who Can Protest?

Registered voters residing in the annexation territory or landowners owning property within the annexation area can file written protests with the LAFCO Executive Officer only during the formal period of protest up to the end of the actual Protest Hearing.

What Information is Required to be Included in a Protest?

Written protests which do not include the required information (see below) and/or which are not signed and dated during the formal protest are invalid. Protests cannot be filed by fax, email or through phone calls – they must be in writing.

Each written protest (they may be submitted by petition) must state whether the protest is made by a landowner or registered voter and include a description of the action/project being protested, and:

Registered Voter Protest:	Name and Address (as it appears on the affidavit of registration) Signature Date of Signature
Landowner Protest:	Name and Address of Landowner(s) Address of Property within the Annexation Territory Signature Date of Signature

Where do I Submit Written Protests?

Written protests should be mailed to:

Dana M. Smith, LAFCO Executive Officer
12 Civic Center Plaza, Room 235
Santa Ana, CA 92701

What Happens After the Protest Hearing?

Within 30 days following the Protest Hearing, the Executive Officer is required to make a finding regarding the value of written protest filed and not withdrawn, and take one of the following actions:

1. Terminate the annexation proceedings if 50% or more of the registered voters within the entire annexation area file valid written protests.
2. Order the annexation subject to the confirmation of the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following:
 - At least 25%, but less than 50%, of the registered voters residing in the affected territory
 - At least 25% of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory
 - Order the annexation without election if written protests have been filed and not withdrawn by less than 25% of the registered voters or less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value within the affected territory